

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 24644 of 2004

Between:

1 Smt. P. Padmavathi, D/o. P.S. Sharma, R/o. N.G.O's Colony,

Behind Raghuramaiah College, Narsaraopet, Guntur District.

2 Smt. G. Sujatha, D/o. Panduranga Rao, R/o. Vinukonda,

Guntur District.

3 Smt. G. Krishna Padmaja, D/o. Laxminarasimha charyulu,
R/o. Enugula Bazar, Narsaraopet, Guntur District.

4 Smt. Y. Beebi Nancharamma, D/o. Pothuraju, R/o.

Nidubrolu, Guntur District.

..... PETITIONERS

AND

1 The Secretary and Correspondent, Sri Ramakrishna Oriental

High School, Narsaraopet, Guntur District.

2 The Deputy Educational Officer, and Departmental Nominee

of Staff Selection Committee, Narsaraopet, Guntur District.

3 The District Educational Officer, Guntur.

4 The Commissioner and Director of School Education, Andhra

Pradesh, Hyderabad.

5 Government of Andhra Pradesh, Rep. by its Secretary, School

Education Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus declaring the action

of the respondents in not taking up follow-up action for issuance of appointment orders to the petitioners on the basis of their selection made by the duly Constituted Staff Selection Committee to the posts of teaching and non-teaching staff namely Grade-I Hindi Pandit/ Junior Assistant/Record Assistant/Record Assistant (Library Assistant) respectively while issuing appointment orders to the posts of S.G.T. and Attender who were selected along with the Petitioners by the same Staff Selection Committee under the guise of correspondent that the grant of approval has not been issued to the Correspondent, Sri Ramakrishna Oriental High School, Narsaraopet, by the Competent Authority even though the departmental nominee i.e. Deputy Educational Officer Narsaraopet has submitted the proceedings of the Selection Committee to the District Educational Officer, Guntur in Lr.Rc.No.134/2003, dated 19-1-2004 for approval of the posts of Hindi Pandit Grade-I/Junior Assistant/Record Assistant Record Assistant (Library Assistant) along with other posts of S.G.T., and Attender and also reminders said to have been issued by the Correspondent of the School is as illegal, arbitrary, unjust, discriminatory and violative of Articles 14,16 and 21 of the Constitution and also contrary to Rules 12 (8)and (9) of the rules issued in G.O.Ms.No.1, Edn. dated 1-1-1994 and hold that the petitioners are entitled for appointment to the said posts of Hindi Pandit Grade-I/Junior Assistant/Record Assistant/Record Assistant (Library Assistant) respectively with effect from the date on which the S.G.T. and Attender were appointed on the strength of their selection made by the same Staff Selection Committee and forwarded for approval to departmental authorities on 19-1-2004 and also reminders issued by the Correspondent of the School with all consequential benefits and pass such other and further orders

Counsel for the Petitioner: MR.D.LINGA RAO

Counsel for the Respondent Nos.1 to 5: GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following:

ORDER:

The petitioners are some of the candidates selected by the Staff Selection Committee through the proceedings dated 3-1-2004 for the posts indicated therein. The District Educational Officer accorded approval only in respect of other candidates through the proceedings dated 13-10-2004, but did not approve the names of these petitioners. The 3rd respondent did not assign any reason as to why the names of the petitioners were not approved.

The learned counsel for the petitioners submitted that a similar question came up for consideration in a Judgment of this Court reported in ***Hony. Correspondent, S.S.K.U.P.S v. Commr. & Director of School Edn.*** wherein it was held that

“Appointment of teachers in aided posts-Prior approval is not necessary-The management can make appointments subject to the approval of the competent authority”.

It was further held that a conjoint reading of Rule 12 (8) and (9) of G.O.Ms.No.1 Education dated 1.1.1994 would lead to inevitable conclusion that though the appointments are subject to approval of the competent authority, yet the

educational agency is not precluded from issuing appointment orders pending approval.

He has also drawn my attention to the Judgment of this Court reported in ***O.Rama Mohan Reddy v. Manager R.C.M Schools, Cuddapah*** wherein it is observed that where appointments have been made to other candidates except the petitioner, the petitioner is entitled to the appointment from the same date on which all other candidates are appointed.

He further submits that in the light of the aforesaid legal position, the action of the respondents in not giving appointment orders to the petitioners to the posts mentioned in the selection proceedings, is illegal and arbitrary.

In view of the ban imposed by the Government to fill up the vacancies existing on 20-10-2004, the learned counsel for the petitioners expressed a doubt as to whether the 1st respondent will proceed with the appointments and submitted that this court in an unreported Judgment of this Court in W.P.No.22188 of 2004 dated 9th December, 2004, clarified that the general ban imposed by the Government, which came into force from 20-10-2004, cannot be made applicable to the case of the petitioners for the reason that their selection was made even prior to the date of ban. Therefore, it is essential to direct the respondents to take appropriate steps for filling up the vacancies with the petitioners in pursuance of the present order.

In view of the clarification made by this Court in the above decision, I find sufficient force in the contention of the learned counsel for the petitioners. Therefore, the 1st respondent is directed to take steps for implementation of the ban w.e.f. 20-10-2004 only and it cannot be made applicable in case of the petitioners since their selection was made even prior to the ban i.e., on 3-10-2004.

In the light of the aforesaid submissions and the judgments referred to supra, the 1st respondent is directed to take appropriate steps for filling up the vacancies with the petitioners in pursuance of the selection made by the Staff Selection Committee through the proceedings dated 3-1-2004 and address the concerned authority for approval.

Writ petition is allowed accordingly. No costs.

25-04-2005

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Copy to

- 1 The Secretary and Correspondent, Sri Ramakrishna Oriental High School, Narsaraopet, Guntur District.
- 2 The Deputy Educational Officer, and Departmental Nominee

of Staff Selection Committee, Narsaraopet, Guntur District.

3 The District Educational Officer, Guntur.

4 The Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.

5 The Secretary, Government of Andhra Pradesh, School

Education Department, Secretariat, Hyderabad.

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